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YOSHITO KATAGIRI

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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/328,669

Applicant(s)

KATAGIRI, YOSHITO

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 - 41 is/are allowed.
- 6) ☒ Claim(s) 1-9, 21, 37 and 42 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 10-20 and 22- 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The Examiner suggests that the title include the optical and electronic zooming aspects of the Applicant's invention.
2. The disclosure is objected to because of the following informalities: inconsistencies within the specification itself.

On page 27, towards the end of the page, the Applicant makes reference to main switch button 122 as shown in figure 2, however, the main switch button 122 is shown in figure 3. This error is committed again on page 48, in the first sentence of the second paragraph.

On page 28, near the top of the page, the Applicant states that the CCD is labeled with reference sign 3; however, the CCD is clearly shown in figure 10 as reference sign 73. This error is committed twice again on page 48, in the middle of the page.

On page 49, near the top of the page, the Applicant states that the A/D converter is labeled with reference 74; however, the A/D converter is clearly shown in figure 6 as reference sign 85.

Appropriate correction is required.

*Drawings*

3. The drawings are objected to because of an inconsistency with the specification and the figures.

Page 22, towards the bottom third of the page, of the specification defines reference signs 12 and 13 and provides support for reference sign 13 in figure 4. However, in figure 5, the Applicant apparently has switched the items in which reference signs 12 and 13 were defined for. In other words, reference sign 13 is the shaft spring in figure 4 and the ring stopper in figure 5.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 9 (page 22, towards the bottom third of the page). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 51b (figure 5) and 8 (figures 4 and 5). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Information Disclosure Statement***

6. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Claim Objections***

7. **Claims 3, 6, and 10** are objected to because of the following informalities: antecedent basis problem. Claim 3 is dependent upon claim 1 and includes the limitation *wherein said driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during said focal length changing operation*. Claim 3 prefaces *focal length changing operation* with *said* thereby suggesting that *focal length changing operation* was introduced in claim 1. Claim 1 does not introduce a *focal length changing operation*. To correct this discrepancy, the Examiner suggests changing *said* to "a." The same error appears in claim 6 with respect to *focal length changing operation* and *focus adjustment*. The same error appears in claim 10 with respect to *said subject*. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1 – 3, 37, and 42** are rejected under 35 U.S.C. 102(e) as being anticipated by Nishimura.

10. For **claim 1**, Nishimura discloses, as shown in figures 2 and as stated in columns 3 (lines 42 – 67) and 4 (lines 1 – 65), a camera (30) comprising:

a first lens (13);

a second lens (12);

a photo-electric converting element (31) to receive a light incoming from a subject image through said first lens (13) and said second lens (12), and to convert said light into image signals (see column 3, lines 60 – 62);

a driving member (stepping motor, not shown, see column 2, line 49) to move said first lens (13) and said second lens (12) in an optical path (the movement direction of each of the lenses, corresponds to the hollow bi-directional arrows directly below each lens in figure 2, is directed along the optical path); and

guiding means (although the details are not shown in figure 2, it is inherent that a guiding means exists or else the lenses 12 and 13 would not move along the optical axis, as shown, when driven by the driving member described above) for guiding said second lens (12) moved by said

Art Unit: 2612

driving member so that a distance between said photo-electric converting element and said second lens changes stepwise (Lens 12 is a variator lens or movable variable power lens moved by a lens driving mechanism 14 which includes a stepping motor; hence the distance between the photo-electric converting element 31 and lens 12 changes stepwise.).

11. As for **claim 2**, Nishimura discloses, as stated in column 2 (lines 42 – 51), the camera of claim 1, wherein both a focal length changing operation (performed by lens 12) and a focus adjustment (performed by lens 13) are performed by means of said driving member. As stated above, the driving member to move the first lens (13) and the second lens (12) are stepping motors, which are not shown but included in the corresponding driving mechanisms. The stepping motors move the first lens (13) and said second lens (12) along an optical axis wherein the movement direction of each of the lenses corresponds to the hollow bi-directional arrows directly below each lens in figure 2 to perform a focal length changing operation and a focus adjustment.

12. As for **claim 3**, Nishimura discloses, as stated in column 4 (lines 19 – 26), the camera of claim 1, wherein the driving member selectively moves said second lens (12) to one of a plurality of predetermined positions of said guiding means during a focal length changing operation. The driving member for the second lens (12) is a stepping motor included in the driving mechanism (14) as described above. In regards to the guiding means, as stated above, although the details are not shown in figure 2, it is inherent that a guiding means exists or else the second lens (12) would not move along the optical axis, as shown, when driven by the driving member. Finally, in regards to the selectively of the driving member moving the second lens, when key Kz is operated, the driving member drives the second lens (12), which is a

Art Unit: 2612

variable power lens, to increase the zoom magnification at a variable power speed which double per unit time, for example, from one time of the maximum wide angle lens state to n times of the maximum telephoto lens state; hence the second lens is selectively moved to plurality of predetermined positions.

13. As for **claim 37**, Nishimura discloses, as stated column 2 (lines 42 – 51), the camera of claim 1, wherein said guiding means guides said second lens move by said driving member so that a distance between a focal surface of said photo-electric converting element and said second lens changes stepwise (enacted by the stepping motor).

14. As for **claim 42**, Nishimura discloses, as stated column 2 (lines 42 – 51), the camera of claim 2, wherein said focal length changing operation is a zooming operation (see column 4, lines 19 – 26) and said focus adjustment is focusing operation (see column 6, lines 28 – 34).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 4 and 6 – 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Nakayama et al. (US 6 396 645 B1).

17. As for **claim 4**, Nishimura discloses a camera comprised of a first lens, a second lens, a photo-electric converting element, a driving member to move each of the first and second lens in an optical path, and a guiding means to guide the first lens and the second lens moved by the



Art Unit: 2612

driving member, wherein the driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during a focal length changing operation. However, Nishimura does not disclose the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member and thus Nishimura do not disclose wherein the guiding means has a cam groove.

Nakayama et al. also disclose a first lens, a second lens, a guiding means, and a driving member for use with a camera. Nakayama et al. disclose, as shown in figures 1 and 2, the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member. More specifically, Nakayama et al. disclose, a zoom lens barrel with a first lens (5), a second lens (7), and a guiding means (2c) wherein the guiding means has a cam groove (2d) as stated in column 20 (lines 14 – 43). As stated in column 2 (lines 6 – 14) of Nakayama et al., at the time the invention was made, one with ordinary skill in the art would have been motivated to include a guiding means that has a cam groove in the camera of Nishimura as a way to reduce the diameter of the lens barrel which reduces the overall size of the camera. Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to have included a guiding means that has a cam groove, as taught by Nakayama et al., in the camera of Nishimura.

18. As for **claim 6**, Nishimura discloses a camera comprised of a first lens, a second lens, a photo-electric converting element, a driving member to move each of the first and second lens in an optical path, and a guiding means to guide the first lens and the second lens moved by the driving member, wherein the driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during a focal length changing

Art Unit: 2612

operation. However, Nishimura does not disclose the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member and thus Nishimura do not disclose the details of the guiding means.

Nakayama et al. also disclose a first lens, a second lens, a guiding means, and a driving member for use with a camera. Nakayama et al. disclose, as shown in figures 1 and 2, the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member. More specifically, Nakayama et al. disclose, as stated in column 22 (lines 28 – 67) and as shown figure 4, a zoom lens barrel with a first lens (FC 5), a second lens (RC 7), and a guiding means (2) wherein the guiding means comprises a first guiding means (2a) for conducting a focal length changing operation by guiding said second lens (7) in said optical path so as to trace a first predetermined locus in relative to said first lens (5); and second guiding means (2c) for conducting said focus adjustment by guiding said first lens (5) in said optical path so as to trace a second predetermined locus, which is different from said first predetermined locus, in relative to said second lens (7), wherein said second guiding means are located on an extension of said first guiding means in such a manner that said first guiding means and said second guiding means are staggered on said guiding means. As stated in column 2 (lines 6 – 14) of Nakayama et al., at the time the invention was made, one with ordinary skill in the art would have been motivated to include a guiding means comprised of a first guiding means for focal length changing operation and a second guiding means for said focus adjustment in the camera of Nishimura as a way to reduce the diameter of the lens barrel which reduces the overall size of the camera. Therefore, at the time the invention was made, it would have been obvious for one

Art Unit: 2612

with ordinary skill in the art to have included a guiding means that has a cam groove, as taught by Nakayama et al., in the camera of Nishimura.

19. As for **claim 7**, Nishimura discloses a camera comprised of a first lens, a second lens, a photo-electric converting element, a driving member to move each of the first and second lens in an optical path, and a guiding means to guide the first lens and the second lens moved by the driving member, wherein the driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during a focal length changing operation. However, Nishimura does not disclose the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member and thus Nishimura do not disclose wherein said driving member moves said second lens on said guiding means during both a focal length changing operation and a focus adjustment.

Nakayama et al. also disclose a first lens, a second lens, a guiding means, and a driving member for use with a camera. Nakayama et al. disclose, as shown in figures 1 and 2, the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member. More specifically, Nakayama et al. disclose, a zoom lens barrel with a first lens (5), a second lens (7), a guiding means (2a and 2c), and a driving member (2) wherein the driving member moves said second lens (7) on said guiding means during both a focal length changing operation and a focus adjustment as stated in column 22. As stated in column 2 (lines 6 – 14) of Nakayama et al., at the time the invention was made, one with ordinary skill in the art would have been motivated to include a driving member to move the second lens during both a focal length changing operation and a focus adjustment operation in the camera of Nishimura as a way to reduce the diameter of the lens barrel which reduces the overall size of the camera.

Art Unit: 2612

Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to have included a guiding means that has a cam groove, as taught by Nakayama et al., in the camera of Nishimura.

20. As for **claim 8**, Nishimura discloses a camera comprised of a first lens, a second lens, a photo-electric converting element, a driving member to move each of the first and second lens in an optical path, and a guiding means to guide the first lens and the second lens moved by the driving member, wherein the driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during a focal length changing operation. However, Nishimura does not disclose the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member and thus Nishimura do not disclose wherein the driving member is a single member to drive both said first lens and said second lens.

Nakayama et al. also disclose a first lens, a second lens, a guiding means, and a driving member for use with a camera. Nakayama et al. disclose, as shown in figures 1 and 2, the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member. More specifically, Nakayama et al. disclose, a zoom lens barrel with a first lens (5), a second lens (7), guiding means (2a and 2c), and a driving member (2) wherein the driving member is a single member to drive both said first lens (5) and said second lens (7) as stated in column 20 (lines 14 – 43). As stated in column 2 (lines 6 – 14) of Nakayama et al., at the time the invention was made, one with ordinary skill in the art would have been motivated to include a guiding means that has a cam groove in the camera of Nishimura as a way to reduce the diameter of the lens barrel which reduces the overall size of the camera. Therefore, at the

Art Unit: 2612

time the invention was made, it would have been obvious for one with ordinary skill in the art to have included a guiding means that has a cam groove, as taught by Nakayama et al., in the camera of Nishimura.

21. As for **claim 9**, Nishimura discloses a camera comprised of a first lens, a second lens, a photo-electric converting element, a driving member to move each of the first and second lens in an optical path, and a guiding means to guide the first lens and the second lens moved by the driving member, wherein the driving member selectively moves said second lens to one of a plurality of predetermined positions of said guiding means during a focal length changing operation. Nishimura also discloses wherein the driving member is a stepping motor, however, Nishimura does not disclose the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member and thus does not disclose wherein the driving member is a cam barrel in which cam grooves are formed stepwise on an inner surface of the cam barrel.

Nakayama et al. also disclose a first lens, a second lens, a guiding means, and a driving member for use with a camera. Nakayama et al. disclose, as shown in figures 1 and 2, the details of the particular arrangement of the first and second lenses with respect to the guiding means and the driving member. More specifically, Nakayama et al. disclose, a zoom lens barrel with a first lens (5), a second lens (7), a guiding means (2c), and a driving member (2) wherein the driving member is a cam barrel (clearly shown as reference sign 2) in which cam grooves (2d) are formed stepwise on an inner surface of the cam barrel as stated in column 20 (lines 14 – 43). As stated in column 2 (lines 6 – 14) of Nakayama et al., at the time the invention was made, one with ordinary skill in the art would have been motivated to include a cam barrel driving member

Art Unit: 2612

in which cam grooves are formed stepwise on an inner surface of the cam barrel in the camera of Nishimura as a way to reduce the diameter of the lens barrel which reduces the overall size of the camera. Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to have included a guiding means that has a cam groove, as taught by Nakayama et al., in the camera of Nishimura.

22. **Claims 5 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura.

23. As for **claim 5**, Nishimura discloses a camera with a photoelectric converting element, however, does not disclose a display for displaying images based on said image signals. Official Notice is taken that both the concepts and advantages of providing a display for displaying images based on said image signals are well known and expected in the art. It would have been obvious for one with ordinary skill in the art to include a display as a means for previewing images prior to capture by the photoelectric-converting element.

24. As for **claim 21**, Nishimura discloses a camera with a first lens, a second lens, guiding means, and a driving member for moving the lenses. However, Nishimura does not disclose wherein the driving member is capable of moving said second lens to a storing region located at a position nearer said photo-electric converting element than a position of the shortest focal length, and image capturing is not performed when said second lens is location at said storing region. Official Notice is taken that both the concepts and advantages moving the second lens to a storing region close to the photo-electric converting element and not performing image capturing are well known and expected in the art. It would have been obvious to one with

Art Unit: 2612

ordinary skill in the to move the second lens to a storing region as a means to prevent lens damage when the camera is not is use.

*Allowable Subject Matter*

25. **Claims 10 – 20 and 22 – 36** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. The closest prior art teaches of a first lens, a second lens, and a driving member to move each of the first and second lenses, and guiding means for guiding the first and second lenses moved by the driving member for use in a camera. The closest prior art also teaches the camera includes a photo-electric converting element to receive the subject image through the first and second lenses and convert the subject image into image data and a single image processor for outputting image data after a selected processing. The closest prior art teaches that the single image processor is used to provide an electronic zooming circuit wherein electronic zooming is performed on the image data on the basis of predetermined magnification factors wherein the predetermined magnification factors compensate for limitations in traditional optical zoom. In the closest prior art, the single image processor performs image processing on the basis of predetermined information.

27. For **claim 10**, the closest prior art does not teach or suggest a camera with two, rather than one, image processors wherein after a first image processing on the image data, wherein the image data is provided by a photo-electric converting element, a second image processing is performed on the image data wherein the second imaging processing is performed on the basis of

Art Unit: 2612

a ranging operation that measures the distance between the camera and the subject image while the second lens is in one of a plurality of predetermined positions.

28. For **claims 27 and 32**, the closest prior art does not teach or suggest a camera with a discriminator for discriminating whether the second lens is moved to a first region or a second region of the guiding means, wherein image processing outputs a first image data based on the image signal if the second lens is moved to a first region and a second image data if the second lens is moved to a second region.

29. **Claims 38 – 41** are allowed.

30. For **claims 38 and 39**, the closest prior art does not teach or suggest of a camera that includes a calculator to calculate an image magnification factor, which varies between before and after a focus adjustment, from a ranging signal of said ranging means, and variable power information designating a selected variable power region of said zoom lens.

31. For **claims 40 and 41**, the closest prior art does not teach or suggest a camera with a discriminator for discriminating whether the second lens is moved to a first region or a second region of the guiding means, wherein image processing outputs a first image data based on the image signal if the second lens is moved to a first region and a second image data if the second lens is moved to a second region.



Art Unit: 2612


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The examiner can normally be reached on Monday - Thursday from 7:30 am to 5:30 pm and alternating Fridays from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703.306.0377.

JPM

November 17, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600